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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

R.K.,

Plaintiff,

v.

THE CORPORATION OF THE
PRESIDENT OF THE CHURCH OF JESUS
CHRIST OF LATTER DAY SAINTS, *et al.*,

Defendants.

CASE NO. C04-2338RSM

ORDER GRANTING PLAINTIFF'S
MOTION TO AMEND
COMPLAINT

This matter comes before the Court on defendant The Corporation of the President of the Church of Jesus Christ of Latter-Day Saints' ("COP") Motion to Amend its affirmative defense in its Answer to add plaintiff's father, Jerry Kelly, as another person at-fault. (Dkt. #121). Defendant has already identified several other people it considers to be at-fault, including plaintiff's mother. Defendant asserts that the same events that give rise to a potential allocation of fault to Mrs. Kelly, also give rise to a potential allocation of fault to Mr. Kelly. Plaintiff opposes the motion, arguing that defendant must show good cause for such an amendment and that it would prejudice his case to add to the defense at this late date. (Dkt. #127).

Having reviewed defendant's motion, plaintiff's response, defendant's reply, and the remainder of the record, the Court hereby finds and ORDERS:

ORDER GRANTING MOTION TO AMEND
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1 (1) Defendant's Motion to Amend (Dkt. #121) is GRANTED. The Court agrees that
2 the good faith standard set forth in Federal Rule of Civil Procedure 16 is not applicable to this
3 motion because defendant has not sought to amend a pleading after the time allowed in the case
4 scheduling order. *See* Fed. R. Civ. P. 16. Furthermore, plaintiff has made only bald assertions
5 of prejudice, and has provided no specific information persuading this Court that further
6 discovery will be necessary should the Court allow this amendment. Accordingly, the Court will
7 allow defendant to amend its affirmative defense.

8 (2) Defendant shall electronically file its Amended Answer, no later than three days from
9 the date of this Order.

10 (3) The Clerk shall forward a copy of this Order to all counsel of record.

11 DATED this 17th day of August, 2006.

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14 RICARDO S. MARTINEZ
15 UNITED STATES DISTRICT JUDGE
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